

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-13 are pending in the application, with claims 1, 5, 8, and 11-13 being the independent claims. Claims 1, 4-8, and 10-13 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections Under 35 U.S.C. § 102***

The Office Action rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,141 to Giordano, III *et al.* (hereinafter "Giordano"). (*See* Office Action at p. 2.) Applicant respectfully traverses these rejections.

Regarding amended independent claim 1, it recites (emphasis added):

A system for configuring a packet switched network appliance, comprising:  
a server configured to store first data, to receive second data from the packet switched network appliance via a first network, and to convey third data to the packet switched network appliance via said first network; and  
a control routine configured to execute on said server and to use said first data and said second data to produce said third data, wherein said third data is used to configure the packet switched network appliance to have access to a second network at an access point, wherein said second network is a packet switched network, and wherein ***a determination of said access point includes a consideration of a distance between the packet switched network appliance and said access point.***

Each of independent claims 5, 8, and 11-13 has been amended in a similar manner.

Giordano does not disclose, teach, or suggest a system for configuring a packet switched network appliance in which a determination of an access point to a packet switched network includes a consideration of a distance between the packet switched network appliance and the access point. Consequently, none of claims 1, 5, 8, 11, 12, or 13 is anticipated by Giordano. Because claims 2-4, 6, 7, 9, and 10 depend upon claims 1, 5, or 8 and because of the distinctive features of claims 2-4, 6, 7, 9, and 10, these claims are also not anticipated by Giordano. Therefore, Applicant respectfully requests that the Examiner reconsider and remove his rejections of claims 1-13 under 35 U.S.C. § 102(e) and pass these claims to allowance.

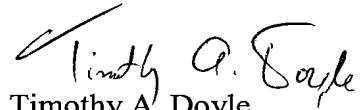
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Timothy A. Doyle".

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